

Today, the Subcommittee will consider a discussion draft of the Community Reclamation Partnerships Act. This bill would amend the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to enable States to partner with non-governmental entities to reclaim abandoned mine sites and facilitate acid mine drainage cleanup across the country.

Currently, State reclamation activities are funded solely by fees levied on the coal industry. These fees have resulted in the reclamation of approximately \$4 billion of abandoned mine land, or AML, liabilities. However, according to the Department of the Interior, over 6,650 AML sites remain with estimated remediation costs exceeding \$10.5 billion. These abandoned mines pose threats to the surrounding communities and prohibit opportunities for further development. Because these sites were abandoned before the era of modern regulation and there are no current liable parties, the States are responsible for reclaiming these sites and restoring the environmental quality of the surrounding areas. The cost of reclaiming these sites will continue to strain State resources in the coming decades and the conditions of these sites will only worsen over time.

Non-governmental entities have recognized the need for reclamation in coal communities and are willing to contribute their resources and expertise to address the problem. Unfortunately, liability and regulatory concerns have discouraged them from partnering with the States on reclamation projects. This legislation will enable NGO participation in State reclamation programs by minimizing undeserved liability and codifying proven practices established by the State reclamation agencies.

This legislation would recognize non-governmental entities who wish to conduct reclamation projects, including watershed groups, conservation organizations and industry partners, as “Community Reclaimers.” It will allow the State to extend liability protection to these entities, much like they already do for their approved reclamation contractors.

This legislation also addresses common problems that States experience in addressing water pollution at AML sites. One of the most challenging aspects of mine reclamation is the treatment of acid mine drainage discharges. Currently, States are required to fully comply with the Clean Water Act when treating water at AML sites. While the water quality at AML sites can be improved, it will never reach Clean Water Act standards, even with the best water treatment systems in place. As a result, States must choose between risking noncompliance under the Clean Water Act or forgoing acid mine drainage abatement projects altogether.

Some States have addressed this problem by establishing their own guidelines for the treatment of water pollution at AML sites. These State-specific strategies have resulted in successful water treatment projects and a significant reduction in acid mine drainage in several States. However, these States risk subjecting their programs to suit due to the lack of any statutory authorization for their water treatment programs. This legislation would statutorily recognize the practice of crafting acid mine drainage treatment strategies in each State. These strategies must be laid out in the form of a Memorandum of Understanding between the relevant State and Federal agencies and approved by the EPA and Department of the Interior. Community Reclaimers will be able to execute acid mine drainage projects consistent with the approved MOUs in each State.

I would like to note that this legislation does not allow for remining in conjunction with Community Reclaimer projects. SMCRA already allows for the regulation of remining activities and this legislation does not in any way amend the existing requirements. Should mining companies choose to serve as Community Reclaimers, they will not be able to conduct mining activity in the course of completing a reclamation project, and they must not have any outstanding SMCRA violations.

Today, we will hear from Mr. John Stefanko, Deputy Secretary for the Office of Active and Abandoned Mine Operations at the Pennsylvania Department of Environmental Protection. In his role, Mr. Stefanko is responsible for overseeing the States' Abandoned Mine Reclamation Program. He will discuss his program's experience with allowing non-governmental entities to reclaim AML sites, current challenges in cleaning up acid mine drainage, and the need for Community Reclaimers in States like Pennsylvania.

We will also hear from Mr. Chris Wood, President and CEO of Trout Unlimited. Trout Unlimited is a national organization dedicated to conservation and fisheries restoration that has partnered with several States on abandoned mine land projects. Mr. Wood will discuss the ability of non-governmental entities like Trout Unlimited to serve as Community Reclaimers and the environmental benefits that these partnerships will yield for communities nationwide.